

Remarks

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 6, 13, 15, 16, 25, 26, 28, 30-35, 38, 39, 41, 43-50, 62, 63, 65, 66, 68, 69, 71-73, 76-81, 102, and 103 are pending in the application. Claims 6, 16, 30, 35, and 78 are independent. Claims 6, 16, 30, 35, 73, and 78 have been amended. Claims 21, 22, 24, 52-55, 57-59, 82-101 and 104 have been withdrawn from consideration by the Examiner and canceled by Applicants. Claims 40, 51, 64, and 75 have been canceled without disclaimer and without prejudice to renewal.

Initialed Form 1449 Not Received

On **May 26, 2005** (stamped received by the U.S. P.T.O. on May 31, 2005), the Applicants submitted an Information Disclosure Statement listing 12 references. On **February 17, 2006** (stamped received by the U.S. P.T.O. on February 21, 2006), the Applicants submitted an Information Disclosure Statement listing two references. The Applicants have not yet received initialed 1449 forms for these IDS submissions. The Applicants respectfully request that the Examiner provide the initialed 1449 forms for these IDS submissions. See MPEP § 609 ("An information disclosure statement filed in accordance with the provisions of 37 CFR 1.97 and 37 CFR 1.98 will be considered by the examiner assigned to the application.").

Cited Art

The Action applies the following cited art: U.S. Patent No. 6,240,555 to Shoff et al. ("Shoff"), U.S. Patent No. 6,002,394 to Schein et al. ("Schein"), and U.S. Patent No. 5,778,181 to Hidary et al. ("Hidary").

§ 103 Rejections

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2142. Motivations to combine or modify references must come from the references themselves or be within the body of knowledge in the art. *See* MPEP § 2143.01.

Claims 6, 13, 15, 16, 25, 26, 28, 30-35, 38, 39, 41, 43, 44-50, 62, 63, 65, 66, 68, 69, 71-73, 76-77, 78-81, 102, and 103

The Action rejects claims 6, 13, 15, 16, 25, 26, 28, 30-35, 38, 39, 41, 43, 44-50, 62, 63, 65, 66, 68, 69, 71-73, 76-77, 78-81, 102, and 103 under 35 U.S.C. § 103(a) as being unpatentable over Shoff in view of Schein. Applicants respectfully submit the claims are allowable over the cited art.

Claims 6, 16, 30, 35, and 78

The Applicants have added language to independent claims 6, 16, 30, 35 and 78, respectively. In some cases, the added language is taken exactly from previous dependent claims (e.g., claims 64 and 75). In other cases, the added language is taken, with very minor rearrangement or addition, from previous dependent claims (e.g., claims 40 and 51). In any event, the language added by amendment should not require any further consideration and/or search at this stage, and the amendments should be entered.

Claim 6 has been amended, in part, to recite: (emphasis added):

displaying a progress indicator indicating progress of the retrieval of the auxiliary data.

Claim 16 has been amended to recite: (emphasis added):

wherein a progress indicator is displayed during retrieval of the additional information, the progress indicator indicating progress of the retrieval of the additional information.

Claim 30 has been amended to recite: (emphasis added):

displaying a progress indicator indicating progress of retrieval of the auxiliary data; and

Claim 35 has been amended to recite: (emphasis added):

causes display of a progress indicator indicating progress of retrieval of the auxiliary data.

Claim 78 has been amended to recite: (emphasis added):

wherein a progress indicator is displayed during retrieval of the auxiliary data, the progress indicator indicating progress of the retrieval of the auxiliary data.

Support for the amendments to claims 6, 16, 30, 35, and 78 can be found, for example, in claims 40, 51, 64, 73, and 75, and in the Application at page 4, line 18 to page 5, line 3, and Fig. 10.

Shoff and Schein, separately or in combination, do not teach or suggest the above-cited language of claims 6, 16, 30, 35, and 78, respectively. In addition, Applicants cannot find anywhere within Shoff or Schein a teaching or suggestion to modify the cited prior art references so as to result in the elements of the above-cited language of claims 6, 16, 30, 35, and 78, respectively.

The Examiner argues that it would have been obvious to modify Schoff and Schein to include “an indication to the viewer when the retrieval of auxiliary data would be displayed to the viewer.” Action, p. 7. Applicants respectfully disagree. Nowhere does Shoff or Schein teach or suggest “displaying a progress indicator indicating progress of the retrieval of the auxiliary data” as recited by claim 6, or the language of claims 16, 30, 35, and 78 cited above. In addition, the Examiner has not cited any material that would teach or suggest modifying Shoff and/or Schein to include the above-cited language of claims 6, 16, 30, 35, and 78, respectively. Therefore, Shoff, separately or in combination with Schein, does not teach or suggest all limitations of claims 6, 16, 30, 35, and 78, respectively.

Furthermore, the combination of references used to reject claims 6, 16, 30, 35, and 78 is improper. In rejecting claims 6, 16, 30, 35, and 78, the Examiner modifies a technique described in Shoff to include “having an information panel being displayed before displaying of the auxiliary data.” Action page 4. Because the Examiner’s combination changes a principle of operation of Shoff, the Examiner’s modification is improper. *See* MPEP § 2143.01, “THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE.”

According to Shoff, if supplemental content is available and an icon has been activated by the viewer, the supplemental content is displayed right after the icon is activated. Shoff col. 9, lines 20-59. In contrast, the Examiner’s combination of Shoff and Schein involves changing Schoff to include an information panel, displayed before the supplemental content, allowing the user to end the information panel and return to watching the television program or continue to display of the supplemental content. This changes the principle of operation of Shoff in that the supplemental content, which is already available for display in Shoff, is no longer displayed immediately after the icon is activated. Shoff’s automatic activation of supplemental content, with no icon whatsoever (see Shoff col. 9, lines 60-65) also leads away from the Examiner’s modification.

For at least these reasons, claims 6, 16, 30, 35, and 78 should be allowable.

Claim 33

The Examiner states that “Shoff teaches of receiving and showing an icon at a predetermined time as it relates to a specific program or channel, it is obvious that after the specific program has ended that the particular icon related to the show is removed from the screen.” Action, page 6.

Applicants disagree with this characterization of Shoff relative to the claims of the present application

Shoff describes displaying “an icon or other indicia on the screen to visually inform the viewer that the program is interactive compatible,” and that the “icon 204 can be displayed throughout the program, or faded out after a set time period.” Shoff, col. 9, lines 30-53. Displaying an icon during a program, or fading it out after a set time period, does not teach or suggest “wherein the link data is conveyed with the television signal M different times during a program, but the displaying the icon occurs only N times, and wherein N is less than M, whereby the viewer is not unduly disrupted by repeated display of the icon during the program” as recited by claim 33. The Examiner’s statement that it would be obvious to remove an icon after a program has ended is not relevant because claim 33 recites “M different times *during a program*, but the displaying the icon occurs only N times.” Furthermore, Shoff’s description of “throughout the program” and “faded out after a set time period” leads away from the language of claim 33 because Shoff’s description is directed to the *duration* the icon is displayed, while claim 33 is directed to the *number of times* the icon is displayed.

In addition, Applicants cannot find anywhere within Shoff or Schein a teaching or suggestion to modify the cited prior art references so as to result in the above-cited language of claim 33.

For at least these reasons, Shoff and Schein, taken separately or in combination, do not teach or suggest all limitations of claim 33. Therefore, claim 33 should be allowable.

Remaining Claims

Claims 13, 15, 25, 26, 28, 31, 32, 34, 41, 43, 44, and 102 ultimately depend on claim 6. Thus, for at least the reasons set forth above with regard to claim 6, claims 13, 15, 25, 26, 28, 31, 32, 34, 41, 43, 44, and 102 should be in condition for allowance. Applicants will not belabor the merits of the separate patentability of claims 13, 15, 25, 26, 28, 31, 32, 34, 41, 43, 44, and 102.

Claims 45-50 and 103 ultimately depend on claim 16. Thus, for at least the reasons set forth

above with regard to claim 16, claims 45-50 and 103 should be in condition for allowance. Applicants will not belabor the merits of the separate patentability of claims 45-50 and 103.

Claims 62, 63, 65, and 66 ultimately depend on claim 30. Thus, for at least the reasons set forth above with regard to claim 30, claims 62, 63, 65, and 66 should be in condition for allowance. Applicants will not belabor the merits of the separate patentability of claims 62, 63, 65, and 66.

Claims 38, 39, 68, 69, 71-73, 76, and 77 ultimately depend on claim 35. Thus, for at least the reasons set forth above with regard to claim 35, claims 38, 39, 68, 69, 71-73, 76, and 77 should be in condition for allowance. Applicants will not belabor the merits of the separate patentability of claims 38, 39, 68, 69, 71-73, 76, and 77.

Claims 79-81 ultimately depend on claim 78. Thus, for at least the reasons set forth above with regard to claim 78, claims 79-81 should be in condition for allowance. Applicants will not belabor the merits of the separate patentability of claims 79-81.

Claims 41, 43, 44, 65, 76, and 77

The Action rejects claims 41, 43, 44, 65, 76, and 77 under 35 U.S.C. § 103(a) as being unpatentable over Shoff and Schein in further view of Hidary. Applicants respectfully submit the claims are allowable over the cited art.

Claims 41, 44, 65, and 76

The Examiner states that “Shoff-Schein does not expressly teach that in response to subsequent link data, skipping displaying the icon at least in part upon result of comparing the subsequent link data to at least some previous link data.” Action, page 8. The Examiner argues, however, that “Hidary specifically teaches comparing at least some previously received URLs (link data) to currently received URLs (link data) ... skipping this previously received URL.” Action page 9. Applicants disagree with this characterization of Hidary relative to the claims of the present application.

Hidary describes detecting “identical URLs sent directly after one another which causes the browser not to fetch URLs in these particular cases.” Hidary col. 5, lines 16-19. According to Hidary, if the URL has not been previously detected, “the specific URL is added to the URL list” and “the browser will access the Web site address indicated by the URL and retrieve the cited Web page(s) 58 via the Internet.” Hidary col. 5, lines 29-33 and Fig. 3. This part of Hidary relates to avoiding Web

page access operations when Web page content has already been retrieved. It does not teach or suggest “in response to subsequent link data, skipping displaying the icon based at least in part upon result of comparing the subsequent link data to at least some previous link data” (claim 41), “if the subsequent link data matches any of the at least some previously conveyed link data, skipping displaying the icon” (claim 44), “in response to subsequent logical address link data conveyed with the television signal, skipping displaying the icon based at least in part upon result of comparing the subsequent logical address link data to the previously conveyed logical address link data” (claim 65), or “if the subsequent logical address link data does not match any of the at least some previous logical address link data, causes display of the icon during the display of the television programming” (claim 76).

Elsewhere, Hidary indicates:

Another section on the screen is also preferably used to represent an operational control panel. This control panel provides a list of the URLs that have been broadcast and correspondingly received by the computer 16. This control panel is updated to add a URL code each time a new URL code is received by the PC 16. This list gives the subscriber the flexibility to go back and retrieve particularly informative or interesting Web pages that have already been displayed earlier in the program, or alternatively, to print them out for future reference. Furthermore, the list could include URLs referring to Web pages not displayed with the broadcast program, but that provide further information on a certain topic of interest to the viewer.

Hidary col. 5, lines 46-59. Dedicating a section of a screen to a *control panel that lists URLs* (as in Hidary) is different than, and leads away from, display of an *icon* as recited in claims 41, 44, 65, and 76 respectively. Moreover, *continuing* to list URLs in such a control panel if multiple copies of the URL are received (as in Hidary) further leads away from the “*skip*” icon display language of claims 41, 44, and 65.

In addition, Applicants cannot find anywhere within Shoff, Schein, or Hidary a teaching or suggestion to modify the cited prior art references so as to result in the above-cited language of claims 41, 44, 65, and 76, respectively.

For at least these reasons, Shoff, Schein, and Hidary, taken separately or in combination, do not teach or suggest all limitations of claims 41, 44, 65, and 76, respectively. Therefore, claims 41, 44, 65, and 76 should be allowable.

Remaining Claims

Claim 43 depends on claim 6. As set forth above, Shoff and Schein fail to teach or suggest the above-cited language of claim 6. Hidary also fails to teach or suggest the above-cited language of claim 6, and Applicants cannot find anywhere within Shoff, Schein, or Hidary a teaching or suggestion to modify the cited prior art references so as to result in the above-cited language of claim 6. Thus, for at least these reasons, claim 43 should be in condition for allowance. Applicants will not belabor the merits of the separate patentability of claim 43.

Claim 77 depends on claim 35. As set forth above, Shoff and Schein fail to teach or suggest the above-cited language of claim 35. Hidary also fails to teach or suggest the above-cited language of claim 35, and Applicants cannot find anywhere within Shoff, Schein, or Hidary a teaching or suggestion to modify the cited prior art references so as to result in the above-cited language of claim 35. Thus, for at least these reasons, claim 77 should be in condition for allowance. Applicants will not belabor the merits of the separate patentability of claim 77.

Request for Interview

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

Conclusion

The claims should be allowable. Such action is respectfully requested.

Respectfully submitted,

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